

## Legal representation provided for low income parents in Adams, Forrest, Harrison and Rankin counties

February 25, 2013

Youth Courts in Adams, Forrest, Harrison and Rankin counties are participating in a pilot program which provides free legal representation for low-income parents in Youth Court hearings in which allegations of abuse or neglect could result in court-ordered removal of children from parents' custody.

Rankin County Youth Court Judge Thomas Broome said providing legal representation "helps the parties navigate a very complex system. It helps parties understand the process and get their children back home."

The goal of the program is to expedite the placement of children in a permanent home. That may mean helping the parents correct the problems which brought them into Youth Court so that they and their children may be reunited. It may mean finding suitable placement of the children with other family members. Or it can mean termination of parental rights if parental reunification is not possible.

Harrison County Youth Court Judge Margaret Alfonso said, "The hope is that parent representation will result in better outcomes for children and families. It will provide parents with a better understanding of the procedures and what is necessary to be reunited with their children."

Providing a legal advocate for the parent will curb unnecessary removal of children from parents, Judge Alfonso said. "Ultimately the goal is to prevent removal if possible. If appropriate services can be provided to prevent removal, we are obligated to attempt to provide services that prevent or eliminate the need to separate the child and the family."

Mississippi is one of only two states that do not provide free representation to low income parents in Youth Court proceedings which may result in loss of custody of children.

Adams County Youth Court Judge John Hudson said, "The fact that government can come in and take a person's children away and that person has to walk into a courtroom where everyone else is represented by attorneys and that person does not have an attorney – I can't think of anything worse than that.

"But if they had committed a misdemeanor (that could result in jail time), they could get a (court appointed) lawyer," Judge Hudson said.

Providing attorney representation for low income people provides fairness, Judge Hudson said. Judges dealing with unrepresented litigants are put in the untenable position of trying to assure fairness without crossing the line into advocacy, he said. While judges can explain the proceedings, they can't advise and help the unrepresented party.

Forrest County Youth Court Judge Michael McPhail said that before the pilot program began, the Department of Human Services, the prosecutor and the court administrator might explain proceedings before a hearing, then he would explain the person's rights and the process from the bench. "These people were hearing everything about their case and their rights from somebody who does not represent them," Judge McPhail said. "They may lose because they didn't know what to do."

Having an attorney representing parents also creates another level of accountability, Judge Hudson said. When the court sets conditions for reunification, parents may procrastinate to meet those conditions. An attorney will push the client to comply with the court's orders.

Having an attorney available to represent the parents will speed up the process so that proceedings don't drag on. "It's going to speed the process tremendously," said Judge Hudson.

Quicker resolution of cases will save public dollars, Judge Hudson said. "It will save money by getting them out of the foster care system quicker."

Part of the funding for the pilot program comes from a \$100,000 grant from Seattle-based Casey Family Programs, the nation's largest private foundation focused on foster care and improving the child welfare system. The foundation works to reduce the need for foster care by helping the child welfare system to prevent family crises that lead to separation and foster care.

H. Lien Bragg, Casey Family Programs Senior Director of Strategic Consulting, said, "Casey Family Programs is pleased to support Mississippi's efforts to establish parent representation for families involved in the child welfare system. We believe timely, adequate and competent legal representation is a critical driver in expediting permanency and well-being outcomes for children involved in dependency court proceedings."

Harrison County, which has the largest number of cases, received \$50,000 in Casey Family Programs grant funding for a full-time attorney. Adams and Forrest counties each received \$25,000 in grants to pay for attorney representation. The Administrative Office of Courts provided \$45,000 through a Court Improvement Program grant to fund the Rankin County program.

The arrangements differ among the four pilot counties. A full-time attorney on the staff of the Mississippi Center for Legal Services will begin representing low income Harrison County parents on March 1. Parents in Rankin County since October 2012 have had access to an attorney who works for Mission First Legal Aid Office. Mission First Legal Aid is a partnership between Mississippi College School of Law and Mission First, a neighborhood outreach ministry. Forrest County uses two part-time contract attorneys who started representing clients in October 2012. Adams County in December began appointing a local attorney who takes cases in a part-time contractual arrangement.

Judge Broome said that he does not order parents to contact Mission First Legal Aid Office, but makes them aware of the availability of legal representation there.

Mission First Legal Aid has opened 16 cases for parent representation since last October, said Director Patti Gandy. Mission First attorney Carlyn Hicks, who handles Rankin County parental representation, is there "to be that voice for that parent who may be so distraught that they may not be able to coherently tell the court their side of the story and what's really going on," Gandy said.

"What we are trying to do is shorten the period of time, if that child has to be taken from that home, and to determine if it is really necessary for that child to be taken from the home. Sometimes it's not necessary for the child to be removed from the home," Gandy said.

“Studies have shown if you can get an attorney involved for parents at the beginning of the proceeding, it shortens the time the child is away from home or separated from parents. It’s all about making sure the child does not stay in the system any longer than is necessary,” Gandy said.

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